

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY
(Includes Reference to Provisional and PCT International Applications)

Attorney's Docket No.

018240-034

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

OXIDIZED COLLAGEN FORMULATIONS FOR USE WITH NON-COMPATIBLE PHARMACEUTICAL AGENTS

the specification of which (check only one item below):

☒ is attached hereto.

☐ was filed as United States application

Number _____

on _____

and was amended

on _____ (if applicable).

☐ was filed as PCT international application

Number _____

on _____

and was amended

on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(e) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119:

COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. §119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY (CONT'D)
(Includes Reference to Provisional and PCT International Applications)

Attorney's Docket No.

018240-034

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Office all information known to me to be material to the patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. §120:

U.S. APPLICATIONS		STATUS (check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. APPLICATION NUMBERS ASSIGNED (if any)		

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

William L. Mathis	17,337	Eric H. Weisblatt	30,505	Bruce T. Wieder	33,815
Robert S. Swecker	19,885	James W. Peterson	26,057	Todd R. Walters	34,040
Platon N. Mandros	22,124	Teresa Stanek Rea	30,427	Ronni S. Jillions	31,979
Benton S. Duffett, Jr.	22,030	Robert E. Krebs	25,885	Harold R. Brown III	36,341
Norman H. Stepno	22,716	William C. Rowland	30,888	Allen R. Baum	36,086
Ronald L. Grudziecki	24,970	T. Gene Dillahunt	25,423	Steven M. duBois	35,023
Frederick G. Michaud, Jr.	26,003	Patrick C. Keane	32,858	Brian P. O'Shaughnessy	32,747
Alan E. Kopecki	25,813	B. Jefferson Boggs, Jr.	32,344	Kenneth B. Leffler	36,075
Regis E. Slutter	26,999	William H. Benz	25,952	Fred W. Hathaway	32,236
Samuel C. Miller, III	27,360	Peter K. Skiff	31,917	Wendi L. Weinstein	34,456
Robert G. Mukai	28,531	Richard J. McGrath	29,195	Mary Ann Dillahunt	34,576
George A. Hovanec, Jr.	28,223	Matthew L. Schneider	32,814		
James A. LaBarre	28,632	Michael G. Savage	32,596		
E. Joseph Gess	28,510	Gerald F. Swiss	30,113		
R. Danny Huntington	27,903	Charles F. Wieland III	33,096		



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and: Rebecca M. Hale (Reg. No. 45,680) and Leslie J. Boley (Reg. No. 41,490)

Address all correspondence to:



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Gerald F. Swiss
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Address all telephone calls to: Gerald F. Swiss at (650) 622-2300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR		SIGNATURE		DATE	
David J. Burke		<i>David J. Burke</i>		April 23, 2001	
RESIDENCE				CITIZENSHIP	
5957 Chabelyn Terrace, Oakland, California 94618				U.S.A.	
POST OFFICE ADDRESS					
Same as Residence Address					
FULL NAME OF SECOND JOINT INVENTOR, IF ANY		SIGNATURE		DATE	
Son I. Kuan		<i>Son Kuan</i>		April 10, 2001	
RESIDENCE				CITIZENSHIP	
1636 Larkin Ave., San Jose, California 95129				U.S.A.	
POST OFFICE ADDRESS					
Same as Residence Address					
FULL NAME OF THIRD JOINT INVENTOR, IF ANY		SIGNATURE		DATE	
RESIDENCE				CITIZENSHIP	
POST OFFICE ADDRESS					
FULL NAME OF FOURTH JOINT INVENTOR, IF ANY		SIGNATURE		DATE	
RESIDENCE				CITIZENSHIP	
POST OFFICE ADDRESS					
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY		SIGNATURE		DATE	
RESIDENCE				CITIZENSHIP	
POST OFFICE ADDRESS					
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY		SIGNATURE		DATE	
RESIDENCE				CITIZENSHIP	
POST OFFICE ADDRESS					
FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY		SIGNATURE		DATE	
RESIDENCE				CITIZENSHIP	
POST OFFICE ADDRESS					
FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY		SIGNATURE		DATE	
RESIDENCE				CITIZENSHIP	
POST OFFICE ADDRESS					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REVOCATION OF PREVIOUS POWERS OF ATTORNEY AND
APPOINTMENT OF NEW POWER OF ATTORNEY

Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned Assignee of the applications listed in Schedule 1 of the attached Assignment Agreement as modified by the letter agreement of January 7, 2003, hereby revokes all previous powers of attorney in these applications.

New Power of Attorney

In the above-referenced patent applications, I hereby appoint the Dorsey & Whitney LLP attorneys and agents associated with Customer Number 32940 to prosecute the patent applications identified above and to transact all business in the Patent and Trademark Office connected therewith, including full power of association, substitution, and revocation; said appointment to be to the exclusion of the inventor(s) and his (their) attorney(s).

In accordance with 37 C.F.R. 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Please address all telephone calls to Ann M. Caviani Pease at (650) 494-8700.

Please address all correspondence to Ann M. Caviani Pease at the address corresponding to Customer Number 32940, currently:

DORSEY & WHITNEY LLP
Four Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187

Assignee BIOMEDICINES, INC.

Signature

JM Moran

Name and Title

JM MORAN CEO

Date

21 Feb 2003

PATENT ASSIGNMENT AGREEMENT

KNOW ALL PERSONS BY THESE PRESENTS that, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, MATRIX PHARMACEUTICAL, INC., a corporation organized and existing under the laws of the State of Delaware ("Seller"), does hereby sell, grant, assign, convey, transfer and set-over unto BIOMEDICINES, INC., a Delaware Corporation ("Buyer"), all of its right, title and interest in and to all of the following now owned by Seiler:

1. all patents and patent applications set forth on Schedule 1 attached hereto ("Patents"); and

2. subject to the provisions of Section 13.2 of the Asset Purchase Agreement dated as of November 7, 2002 between Seller and Buyer (the "Asset Purchase Agreement"), the right to sue for past, present and future infringements of any of the Patents and all damages or payments now or hereafter due and/or payable under any of the Patents or with respect to any of the Patents, including, without limitation, damages or payments for past or future infringements of any of the Patents.

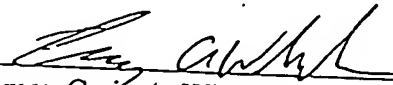
Seller hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States and the empowered officials of all other governments to issue all said Letters Patent to Buyer as assignee of the entire right, title and interest in and to the same, for the sole use and enjoyment of Buyer, its successors and assigns.

Seller hereby authorizes Buyer to apply for and obtain the recordation of this Assignment. Seller agrees that it shall, without further consideration, promptly and duly cause to be performed such lawful acts and execution of any other documents as Buyer may reasonably request in order for Buyer to obtain the full benefit of this Assignment and to permit Buyer to be duly recorded in each office, bureau and tribunal in the appropriate jurisdiction as the registered owner or proprietor of each of the rights hereby assigned. Such instruments and documents shall include, without limitation, affidavits, including affidavits of use, and other documents for filing in such jurisdictions as Buyer may from time to time reasonably request.

All capitalized terms used herein but not otherwise defined herein shall have the meanings set forth in the Asset Purchase Agreement.

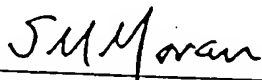
IN WITNESS WHEREOF, the undersigned has caused this Assignment to be executed as of the 7 day of November, 2002.

MATRIX PHARMACEUTICAL, INC.

By: 
Name: Craig A. Wheeler
Title: President and Chief Executive Officer

AGREED TO AND ACCEPTED
as of the 7 day of November, 2002

BIOMEDICINES, INC.

By: 
Name: Mark Moran
Title: Chief Executive Officer

Schedule I

Patents

<u>Chiron Series</u>	<u>Name/Number(s)</u>	<u>Date Issued or Filed</u>
19322	Aseptic Collagen Concentration Process US 5874006	US 5874006 - 02/23/99
19323	Translucent Collagen Formulations with a Cytotoxic Drug US 5750146; US 5980946; AU 719675; NZ 307791; EP 825848	US 5750146 - 05/12/98 US 5980946 - 11/09/99 AU 719675 - 08/31/00 NZ 307791 - 08/12/99 EP 825848 - 07/31/02
19324	Apparatus for Aseptic Vortex Flow Concentration US 5925246; US 5968355; Pending in CA, AU, KR, JP, NO, EP	US 5925246 - 07/20/99 US 5968355 - 10/19/99 CA - 04/20/98 AU - 04/20/98 KR - 04/20/98 JP - 04/20/98 NO - 04/20/98 EP - 04/20/98
19329	Oxidized Collagen Formulations for Use with Non Compatible Pharmaceutical Agents pending In US	US - 05/15/02
19424	Treatments Employing Drug-Containing Matrices for Introduction into Cellular Lesion Areas US RE 35748; AU 576365; CA 1248024; JP 2132531; EP 167263	US RE 35748 - 10/09/90 AU 576365 - 12/13/98 CA 1248024 - 01/03/89 JP 2132531 - 10/03/97 EP 167263 - 08/08/90
19434	Improved Process and Composition for Therapeutic Cisplatin US 6077454; US 6224883; AU 722687; Pending in CA, JP, KR, EP	US 6077454 - 06/20/00 US 6224883 - 05/01/01 AU 722687 - 11/23/00 EP - 06/19/02 CA - 10/29/96 JP - 10/29/96 KR - 10/29/96

19425	Treatments Employing Vasoconstrictive Substances in Combination with cytotoxic Agents for Introduction into Cellular Lesion Areas US 4978332; CA 1330295; JP 2750138; Abandoned in EP	US 4978332 - 12/28/90 CA 1330295 - 06/21/94 JP 2750138 - 02/20/98
19426	Reduction of Neurotoxic Effects of Cytotoxic Agents US Abandoned; CA 1330422; JP 2862175; EP 328389	CA 1330422 - 06/28/94 JP 2862175 - 12/11/98 EP 328389 - 07/01/92
19433	Methods and compositions for the Treatment of Host with a Cellular Proliferative Disease US 5573781; AU 681231; Pending in CA, EP, JP	US 5573781 - 11/12/96 AU 681231 - 12/11/97 EP - 07/24/02 CA - 12/28/94 JP - 12/28/94
19435	Use of Cell Membrane Permeants in the Treatment of Cellular Proliferative Diseases US 5874402; Pending in CA, EP, JP, AU	US 5874402 - 02/23/99 CA - 02/14/97 EP - 03/31/99 JP - 02/14/97 AU - 02/14/97
19436	Gel Delivery Vehicles for Anticellular Proliferative Agents Pending in US, AU, CA, CN, HK, JP, KR, NO, NZ	US - 02/20/97 AU - 02/19/98 CA - 02/19/98 CN - 02/19/98 HK - 08/30/00 JP - 02/19/98 KR - 02/19/98 NO - 02/19/98 NZ - 02/19/98